



COMMUNITY DEVELOPMENT
PLANNING DIVISION
301 W. CHESTNUT
planning@rogersar.gov
(479) 621-1186

NOVEMBER 12, 2019

TO: PLANNING COMMISSION

**RE: STAFF SUMMARY REPORT
CONDITIONAL USE PERMIT – SEEBURG OF ROGERS, LLC**

STAFF: JESSIE MASTERS, PLANNER III

REQUEST INFORMATION:

ADDRESS/LOCATION:	2880 W. Walnut
CURRENT ZONING:	C-2 (Highway Commercial), Overlay District
CURRENT USE:	Vehicle/Equipment Repair and Installation
PROPOSED USE:	Vehicle/Equipment Repair and Installation

APPLICANT INFORMATION:

APPLICANT/REPRESENTATIVE:	Seeburg Of Rogers, LLC/Lois Schulte
PROJECT OWNER/DEVELOPER:	Seeburg of Rogers, LLC
PROPERTY OWNER:	Seeburg of Rogers, LLC
REQUEST:	CUP approval

CITY INFORMATION:

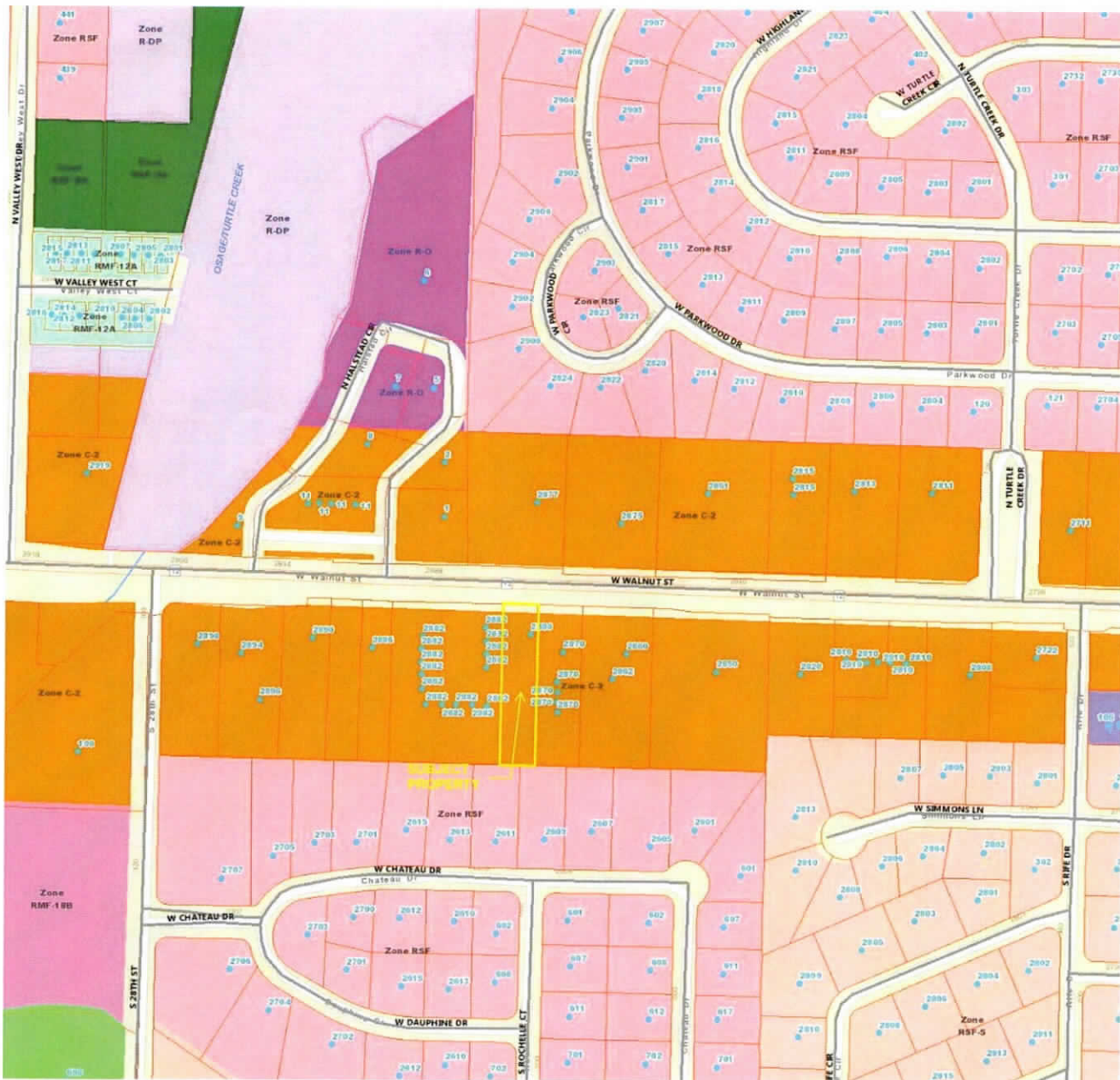
CGM GROWTH DESIGNATION:	Access Corridor
GROWTH DESIGNATION CHARACTER:	Stretches of single-use highway corridors in between other Growth Designation nodes. Goals include emphasizing access management, restricting uses such as schools, resource centers, and places of worship. Goals include preserving locations for low-density residential while limiting its proliferation in areas proposed for higher-intensity development.
ZONING DISTRICT INTENT:	Per Sec. 14-709(a), the C-2 zoning district is intended "for commercial uses, which depend upon high visibility, generate high traffic volumes or cater to the traveling public. These characteristics dictate that this district be located along or at the intersections of arterial classification streets or along frontage roads adjacent to the interstate or other limited-access streets."
USE DEFINITION:	Per Sec. 14-695(b)(1)(A), "Vehicle/Equipment Repair and Installation" is defined as "repairs of automobiles, trucks, motorcycles, mobile homes, recreational vehicles, or boats, including the sale, installation, and servicing of related equipment and parts. Vehicle/Equipment Repair and Installation includes, but is not limited to auto repair shops; body and fender shops; audio, visual, and electronic sales and installation shops; wheel and brake shops; and tire sales and installation. Vehicle/Equipment Repair and Installation does not include uses of vehicle dismantling; salvage; and tire retreading or recapping."
AUTHORITY:	Sec. 14-723, Rogers Code of Ordinances

VICINITY MAP:

AERIAL



SURROUNDING ZONING



PLANNING REVIEW:

1. LAND USE COMPATIBILITY:

- a) General Findings: All surrounding zoning districts are C-2 or R-SF. Vehicle/Equipment Repair and Installation is a Conditional Use in this zoning district. The property also sits in the Overlay District. There are several other auto uses in the nearby vicinity (within .5 miles) in the same zoning district including a car wash. Staff finds the proposed use to be compatible at the subject location based on the Comprehensive Growth Map and the surrounding development context, given the zoning district's intent to "cater to the traveling public."

2. CONDITIONAL USE CONSIDERATIONS PER Sec. 14-723(a)(3):

- a) Is the proposed use listed as conditional in the subject zoning district and is the property zoned correctly?
 - The proposed use is conditional in C-2. The Access Corridor Designation allows for the C-2 zoning district.
- b) Is the proposed use compatible with adjacent property in a way that is not contrary to the city's Comprehensive Growth Map?
 - See General Findings above.
- c) Can all other zoning requirements be met?
 - Aside from special terms of approval attached to the Conditional Use Permit itself, the business license process does not require compliance with zoning standards other than permitted uses and use limitations. Any nonconforming structures may continue to exist so long as they are not altered in a way that increases the degree of nonconformity, and must comply with stated use limitations and design requirements as outlined in the code.
- d) Will ingress and egress for the proposed use create a traffic hazard?
 - See Engineering Review below.

3. REPORTS FROM OTHERS: The Planning Division has not received supporting or opposing comments to date.

4. RECOMMENDATIONS: The Planning Commission should always consider requests with regard to land-use compatibility and the health, safety, and general welfare of the public in making their decision.

- a) **Approve request.**

ENGINEERING REVIEW:

1. STREET NETWORK CAPACITY:

2. General Findings: The proposed project would not create or compound a traffic hazard in terms of access management.

3. WATER QUALITY:

- a) General Findings: The site will be used as an automobile services and repair facility. Storage and regular use of hazardous materials by the applicant may include transmission oil and motor oil.

4. RECOMMENDATIONS: Staff recommends the following conditions of approval:

- a) Design considerations for material storage and handling areas, spill containment and control measures [spill kits], and any alternative structural Best Management Practices shall be maintained and properly utilized to ensure that hazardous materials, waste, and other pollutants do not enter the Municipal Separate Storm Sewer System (MS4).
 - i. A structural Best Management Practice (BMP) for outdoor storage of pollutants, including but not limited to petroleum products, would be a permanent secondary containment.
- b) Outdoor storage of materials such as inoperable vehicles, vehicle parts, or other items should include best management practices to prevent fuel and/or other pollutants and petroleum based products from entering the MS4.

STAFF SIGNATURES:



Jessica Masters, Planner III
City of Rogers Planning Division



Kristifier Paxton, Development Compliance Manager
City of Rogers Engineering Division

SUGGESTED MOTIONS:

1. FOR APPROVE: "Move to approve the request by Seeburg of Rogers, LLC to allow "Vehicle/Equipment Repair and Installation" located at the subject location as presented."
2. FOR APPROVE WITH CONDITIONS: "Move to approve the request by Seeburg of Rogers, LLC to allow "Vehicle/Equipment Repair and Installation" located at the subject location subject to [conditions, contingencies, or staff recommendations]."
3. FOR DENY: "Move to deny the request as presented."
4. FOR TABLE: "Move to table the request [indefinite or date certain]."

DIRECTOR'S COMMENTS:

1. Agree with recommendations.



John McCurdy, Director
City of Rogers Community Development

TABS:

1. CUP application
2. Maps and/or photos



DEPT. OF PLANNING
CITY OF ROGERS, ARKANSAS
301 W. CHESTNUT
PHONE: (479) 621-1186
FAX: (479) 986-6896

OFFICE USE ONLY

Permit Fee: \$100 paid (\$100)
Zoning: C-2
Permit Number: 19-38
CityView Application: PL20A00723
Date: 10-28-19

CONDITIONAL USE PERMIT

APPLICANT: Seeburg of Rogers, LLC

ADDRESS: c/o Lois Schulte 1935 West Sunset Springfield, Mo. 65807 SUITE #: _____

GENERAL LOCATION OF PROPERTY: 2880 West Walnut

PHONE #: 417 234 2013 EMAIL: lschulte@gotoseeburg.com

PROPERTY OWNER: Seeburg of Rogers PHONE #: 417 234 2013

PRESENT USE: nonconforming use - automobile service shop ZONING: C2

PROPOSED CONDITIONAL USE: automobile services and repair facility

PARKING SPACES AVAILABLE: 16 HOURS OF OPERATION: Mon-Sat 8 - 5

IF APPLYING TO OPEN A DAYCARE:

NUMBER OF CHILDREN: - MOST CHILDREN AT ONE TIME: -

x Lois Schulte

Applicant Signature

10/22/2019

Date

Attachment Checklist:

- ☒ Letter explaining request
- ☒ Legal description of property
- ☒ Applicant Certification
- ☒ Site plan as needed

PLANNING STAFF PROVIDES:

DATE FILED: 10-28-19 PUBLIC HEARING DATE: 11-19-19 CERTIFIED MAIL DATE: 11-4-19

PLANNING COMMISSION ACTION: _____

COMMENTS, CONDITIONS, LIMITS: _____



319 N. Main, Suite 200
Springfield, Missouri 65806



(417) 521-6100



www.brparc.com

October 23, 2019

Chairman and Members of the
Planning and Zoning Commission of Rogers Arkansas
301 West Chestnut
Rogers, Arkansas 72756

Re: Conditional Use Permit for 2880 West Walnut

Members of the Planning and Zoning Commission:

Seeburg of Rogers, LLC is requesting that the property at 2880 West Walnut be granted a Conditional Use Permit. The business – Seeburg of Rogers - has owned and operated their automobile repair and service business there for many years and apparently have done so as a non-conforming use. The current zoning ordinance stipulates that this type of use in a C2 District must have a Conditional Use Permit.

We want to bring the property into compliance with the Zoning Ordinance and as such are respectfully requesting that the Conditional Use Permit be granted. This would allow them to grow their business on that site.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to be 'G. Butler', written over the printed name.

Geoffrey H. Butler AIA
Principal Architect

butler@brpae.com

417 848-6000 M



DEPT. OF COMMUNITY DEVELOPMENT
PLANNING DIVISION
301 W. CHESTNUT
PHONE: (479) 621-1186
FAX: (479) 986-6896

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Rogers Planning Commission in the Rogers City Hall at 301 West Chestnut Street on **November 19, 2019 at 5:00 p.m.** on the application by **Seeburg of Rogers** for a **Conditional Use** to allow **vehicle/equipment repair and installation** at **2880 W. Walnut St.** in the **C-2 (Highway Commercial)** zoning district at the following described location:

LEGAL DESCRIPTION:

Located in a part of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 10, Township 19 North, Range 30 West in Rogers, Benton County, Arkansas, more precisely described as follows: Starting at the Northeast Corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 10; thence along the north line of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, North 87 Degrees 04 Minutes 58 Seconds West, 495.50 feet for the true POINT OF BEGINNING; thence South 02 Degrees 34 Minutes 36 Seconds West, 34.89 feet; thence along the previous Southerly right-of-way of West Walnut Street as defined by Job #R90014, North 86 Degrees 59 Minutes 44 Seconds West, 75.00 feet; thence North 02 Degrees 34 Minutes 36 Seconds East, 34.77 feet; thence along the North line of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, South 87 Degrees 04 Minutes 58 Seconds East, 75.00 feet to the true POINT OF BEGINNING containing 0.060 acres more or less; and a part of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 10, Township 19 North, Range 30 West in Rogers, Benton County, Arkansas, more precisely described as follows: Starting at the Northeast Corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 10; thence along the North line of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, North 87 Degrees 04 Minutes 58 Seconds West, 495.50; thence South 02 Degrees 34 Minutes 36 Seconds West, 41.89 feet to a set $\frac{5}{8}$ " rebar and the true POINT OF BEGINNING; thence South 02 Degrees 34 Minutes 36 Seconds West, 343.01 feet to a set $\frac{5}{8}$ " rebar; thence North 86 Degrees 53 Minutes 46 Seconds West, 75.00 feet to a set $\frac{5}{8}$ " rebar; thence North 02 Degrees 34 Minutes 36 Seconds East, 342.88 feet to a set copper marker; thence along the existing Southerly right-of-way of West Walnut Street as defined by Deed Record 97-24057, South 86 Degrees 59 Minutes 44 Seconds East, 75.00 feet to a set $\frac{5}{8}$ " rebar and the true POINT OF BEGINNING containing 0.590 acres of 0.0650 acres more or less and being subject to the right-of-way of West Walnut Street and any easements of record.

LAYMAN'S DESCRIPTION:

2880 W. Walnut St.

Mandel Samuels, Secretary
Planning Commission

PUBLISH ONE TIME ONLY: **November 4, 2019**
BILL THE CITY OF ROGERS

Legal Description Exhibit

Survey Description of Total Area

Located in a part of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 10, Township 19 North, Range 30 West in Rogers, Benton County, Arkansas, more precisely described as follows: Starting at the Northeast Corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 10;

thence along the North line of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$,

North 87 Degrees 04 Minutes 58 Seconds West, 495.50 feet for the true POINT OF BEGINNING;

thence South 02 Degrees 34 Minutes 36 Seconds West, 34.89 feet;

thence along the previous Southerly right-of-way of West Walnut Street as defined by Job #R90014,

North 86 Degrees 59 Minutes 44 Seconds West, 75.00 feet;

thence North 02 Degrees 34 Minutes 36 Seconds East, 34.77 feet;

thence along the North line of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$,

South 87 Degrees 04 Minutes 58 Seconds East, 75.00 feet to the true POINT OF BEGINNING containing 0.060 acres more or less; AND

A part of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 10, Township 19 North, Range 30 West in Rogers, Benton County, Arkansas, more precisely described as follows: Starting at the Northeast Corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 10;

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North 87 Degrees 04 Minutes 58 Seconds West, 495.50;

thence South 02 Degrees 34 Minutes 36 Seconds West, 41.89 feet to a set 5/8" rebar and the true POINT OF BEGINNING;

thence South 02 Degrees 34 Minutes 36 Seconds West, 343.01 feet to a set 5/8" rebar;

thence North 86 Degrees 53 Minutes 46 Seconds West, 75.00 feet to a set 5/8" rebar;

thence North 02 Degrees 34 Minutes 36 Seconds East, 342.88 feet to a set copper marker;


thence along the existing Southerly right-of-way of West Walnut Street as defined by Deed Record 97-24057,

South 86 Degrees 59 Minutes 44 Seconds East, 75.00 feet to a set 5/8" rebar and the true POINT OF BEGINNING containing 0.590 acres more or less for a NET area of 0.650 acres more or less and being subject to the right-of-way of West Walnut Street and any easements of record.

CERTIFICATION

I hereby state that to the best of my knowledge all property owners within 300 feet of my property have been notified by Certified Mail at least 15 days prior to the upcoming public hearing.

Dated this the 22 day of October, 20 19.

x 

Signed

Lois Schulte

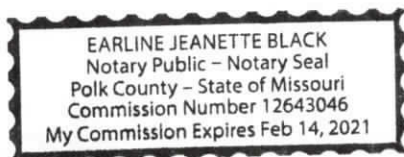
Name Printed

STATE OF Missouri

COUNTY OF Greene

Subscribed and sworn before me this the ____ day of October, 20 19.


Notary Signature



Earline Jeanette Black
Notary Name Printed

2-14-2021
Commission Expires

Legal Description Exhibit

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the true POINT OF BEGINNING;*

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Survey

Plots 14-146, 14-238,
20-156
N 732737.853
E 675541.863
Z 1280.14
N43°55'30"W 3.96' to
find 5/8" rebar

1. In providing this survey, no attempt has been made to show data concerning size, depth, condition or capacity of underground utilities existing on site. Underground utility lines shown on this survey are based on painted lines observed during the survey. Ramsey Surveying, Inc. assumes no liability for the accuracy of the location of these lines.
2. No abstract of title, nor title commitment, or results of a title search were furnished to the surveyor. All documents of record reviewed are noted hereon. There may exist other documents of record that affect this surveyed parcel.
3. Ramsey Surveying, Inc. has made no additional investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
4. Basis of bearings is Grid North according to the Arkansas Coordinate System, North Zone, derived from GPS RTK method. Record bearings in parentheses are according to Deed Record 97-24057.
5. This plat represents a Boundary Survey of Parcel #02-00913-000.
6. The purpose of this survey is to show contours and visible improvements.

Located in a part of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 10, Township 19 North, Range 30 West in Rogers, Benton County, Arkansas, more precisely described as follows: Starting at the Northeast Corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 10; thence along the North line of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, North 87 Degrees 04 Minutes 58 Seconds West, 495.50 feet for the true POINT OF BEGINNING; thence South 02 Degrees 34 Minutes 36 Seconds West, 34.89 feet; thence along the previous Southerly right-of-way of West Walnut Street as defined by Job #R90014, North 86 Degrees 59 Minutes 44 Seconds West, 75.00 feet; thence North 02 Degrees 34 Minutes 36 Seconds East, 34.77 feet; thence along the North line of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, South 87 Degrees 04 Minutes 58 Seconds East, 75.00 feet to the true POINT OF BEGINNING containing 0.060 acres more or less; AND A part of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 10, Township 19 North, Range 30 West in Rogers, Benton County, Arkansas, more precisely described as follows: Starting at the Northeast Corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 10; thence along the North line of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, North 87 Degrees 04 Minutes 58 Seconds West, 495.50; thence South 02 Degrees 34 Minutes 36 Seconds West, 41.89 feet to a set 5/8" rebar and the true POINT OF BEGINNING; thence South 02 Degrees 34 Minutes 36 Seconds West, 34.301 feet to a set 5/8" rebar; thence North 86 Degrees 53 Minutes 46 Seconds West, 75.00 feet to a set 5/8" rebar; thence North 02 Degrees 34 Minutes 36 Seconds East, 342.88 feet to a set copper marker; thence along the existing Southerly right-of-way of West Walnut Street as defined by Deed Record 97-24057, South 86 Degrees 59 Minutes 44 Seconds East, 75.00 feet to a set 5/8" rebar and the true POINT OF BEGINNING containing 0.590 acres more or less for a NET area of 0.650 acres more or less and being subject to the right-of-way of West Walnut Street and any easements of record.



- | | |
|---|----------------------|
| ● | Found 5/8" Rebar |
| ○ | Set 5/8" Rebar |
| ⊕ | Set Copper Marker |
| ⊗ | Found 1" Pipe |
| ⊙ | Fire Hydrant |
| ⊞ | Sanitary Manhole |
| ⊠ | Gas Meter |
| ⊡ | Telephone Pedestal |
| ⊢ | Electric Box |
| ⊣ | Water Meter |
| ⊤ | Computed |
| ⊥ | Property Boundary |
| ⊦ | Building Setback |
| ⊧ | Curb |
| ⊨ | Quarter-quarter line |



*Job: Boundary Survey For
Lois Schulte*

*Curb
Quarter-quarter line*